



100-15C8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of Buchman, *et al.*

Serial. No.: 10/773,714

Filed: February 5, 2004

For: INSECT P53 TUMOR SUPPRESSOR  
GENES AND PROTEINS

Confirmation No.: 8319

Group Art Unit: 1632

Attorney Docket No.: EX00-015C2

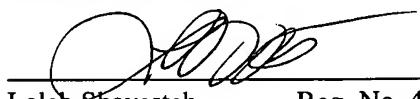
**INFORMATION DISCLOSURE STATEMENT TRANSMITTAL**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In the accompanying Information Disclosure Statement By Applicant, references 1-36 were previously cited in U.S. patent application no. 09/524,101, now issued US Pat No. 6,762,291, which is relied upon for an earlier filing date under 35 U.S.C. 120. Thus, copies of these references are not provided herewith pursuant to 37 CFR 1.98(d).

Respectfully submitted,

  
Laleh Shayesteh Reg. No. 47,937  
Tel: (650) 837-8223; Fax: (650) 837-8234

Dated: January 13, 2005

01/21/2005 55E5HE1 00000005 501108 10773714  
01 FC:1806 180.00 DA



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# **TRANSMITTAL FORM**

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/773,714	
	Filing Date	February 5, 2004	
	First Named Inventor	Buchman	
	Art Unit	1632	
	Examiner Name	Not yet assigned	
Total Number of Pages in This Submission	7	Attorney Docket Number	EX00-015C2

**ENCLOSURES (check all that apply)**

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br><b>(Appeal Notice, Brief, Reply Brief)</b><br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s)<br><i>(please identify below):</i><br>Return Receipt Postcard |
| <b>Remarks</b>   |  |  |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm	Exelixis, Inc.		
Signature			
Printed Name	Laleh Shayesteh		
Date	January 13, 2005	Reg. No.	47,937

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature   
Typed or printed name Angela E. Law Date January 13, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL for FY 2005

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 180.00)

## Complete if Known

Application Number	10/773,714
Filing Date	February 5, 2004
First Named Inventor	Buchman
Examiner Name	Not yet assigned
Art Unit	1632
Attorney Docket No.	EX00-015C2

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify) : \_\_\_\_\_

Deposit Account Deposit Account Number: 50-1108 Deposit Account Name: Exelixis, Inc.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Charge fee(s) indicated below                           | <input checked="" type="checkbox"/> Charge fee(s) indicated below, except for the filing fee |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) | <input checked="" type="checkbox"/> Credit any overpayments                                  |

Under 37 CFR 1.16 and 1.17

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## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

<b>Application Type</b>	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
	<b>Small Entity</b>	<b>Fee (\$)</b>	<b>Small Entity</b>	<b>Fee(\$)</b>	<b>Small Entity</b>	<b>Fee(\$)</b>	<b>Fees Paid (\$)</b>
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

### 2. EXCESS CLAIM FEES

#### Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 30 (including Reissues)

Multiple dependent claims

<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee(\$)</b>	<b>Fee Paid (\$)</b>	<b>Small Entity</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>
_____	-20 or HP= _____	x _____	= _____	50	25	

HP = highest number of total claims paid for, if greater than 20.

<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee(\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
_____	- 3 or HP= _____	x _____	= _____	200	100	

HP = highest number of independent claims paid for, if greater than 3.

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
_____	- 100 = _____	/ 50 = _____ (round up to a whole number)	x _____	= _____

### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : Invention Disclosure Statement (1806, CFR 1.17 (p))

180.00

## SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	47,937	Telephone	650.837.8223
Name (Print/Type)	Laleh Shayesteh			Date	January 13, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JAN 18 2005

Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

1

of

3

**Complete if Known**

Application Number	09/524,101
Filing Date	March 12, 2000
First Named Inventor	Buchman
Group Art Unit	1646
Examiner Name	
Attorney Docket Number	EX00-015C

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T2
	1	www.ncbi.nlm.nih.gov, GenBank ID No. 16555, 26-Jul-1993	
	2	www.ncbi.nlm.nih.gov, GenBank ID No. 1244762, 29-Apr-1996	
	3	www.ncbi.nlm.nih.gov, GenBank ID No. 1244764, 29-Apr-1996	
	4	www.ncbi.nlm.nih.gov, GenBank ID No. 1310770, 28-Jul-1995	
	5	www.ncbi.nlm.nih.gov, GenBank ID No. 1310771, 28-Jul-1995	
	6	www.ncbi.nlm.nih.gov, GenBank ID No. 1310772, 29-Jul-1995	
	7	www.ncbi.nlm.nih.gov, GenBank ID No. 1310960, 11-Jul-1995	
	8	www.ncbi.nlm.nih.gov, GenBank ID No. 2370177, 01-Sep-1997	
	9	www.ncbi.nlm.nih.gov, GenBank ID No. 2781308, 30-Sep-1996	
	10	www.ncbi.nlm.nih.gov, GenBank ID No. 2828704, 10-Aug-1998	
	11	www.ncbi.nlm.nih.gov, GenBank ID No. 2828706, 10-Aug-1998	
	12	www.ncbi.nlm.nih.gov, GenBank ID No. 3273745, 01-Jul-1998	

Examiner Signature		Date Considered
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\*EXAMINER Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number 2 Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

2

of

3

**Complete if Known**

Application Number	09/524,101
Filing Date	March 12, 2000
First Named Inventor	Buchman
Group Art Unit	1646
Examiner Name	
Attorney Docket Number	EX00-015C

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T2
13		www.ncbi.nlm.nih.gov, GenBank ID No. 3695080, 04-Oct-1998	
14		www.ncbi.nlm.nih.gov, GenBank ID No. 3695096, 04-Oct-1998	
15		www.ncbi.nlm.nih.gov, GenBank ID No. 3695098, 04-Oct-1998	
16		www.ncbi.nlm.nih.gov, GenBank ID No. 3738114, 13-Oct-1999	
17		www.ncbi.nlm.nih.gov, GenBank ID No. 4006838, 12-Dec-1998	
18		www.ncbi.nlm.nih.gov, GenBank ID No. 4105775, 05-Jan-1999	
19		www.ncbi.nlm.nih.gov, GenBank ID No. 4150930, 21-Dec-1999	
20		www.ncbi.nlm.nih.gov, GenBank ID No. 4419333, 16-Mar-1999	
21		www.ncbi.nlm.nih.gov, GenBank ID No. 4419483, 16-Mar-1999	
22		www.ncbi.nlm.nih.gov, GenBank ID No. 4420516, 16-Mar-1999	
23		www.ncbi.nlm.nih.gov, GenBank ID No. 4493931, 11-Feb-2000	
24		www.ncbi.nlm.nih.gov, GenBank ID No. 4530684, 29-Mar-1999	

Examiner Signature	Date Considered
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\*EXAMINER Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

†Unique citation designation number ‡Applicant is to place a check mark here if English language Translation is attached.

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	25	www.ncbi.nlm.nih.gov, GenBank ID No. 5430686, 8-Jul-1999	
	26	www.ncbi.nlm.nih.gov, GenBank ID No. 5430689, 8-Jul-1999	
	27	www.ncbi.nlm.nih.gov, GenBank ID No. 4530690, 29-Mar-1999	
	28	www.ncbi.nlm.nih.gov, GenBank ID No. 4689085, 18-Jul-2000	
	29	www.ncbi.nlm.nih.gov, GenBank ID No. 4689086, 18-Jul-2000	
	30	www.ncbi.nlm.nih.gov, GenBank ID No. 4803651, 10-May-1999	
	31	www.ncbi.nlm.nih.gov, GenBank ID No. 5670498, 02-Aug-1999	
	32	www.ncbi.nlm.nih.gov, GenBank ID No. 5877734, 13-Sep-1999	
	33	www.ncbi.nlm.nih.gov, GenBank ID No. 6070492, 19-Oct-1999	
	34	www.ncbi.nlm.nih.gov, GenBank ID No. 6072079, 19-Oct-1999	
	35	www.ncbi.nlm.nih.gov, GenBank ID No. 6468070, 25-Nov-1999	
	36	www.ncbi.nlm.nih.gov, GenBank ID No. 6664917, 03-Jan-2000	

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